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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,921	10/26/2000	Mohamed Anisur Rahman	2925-0442P	4316

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HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. BOX 8910  
RESTON, VA 20195

EXAMINER

BARANYAI, LAWRENCE

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/695,921

**Applicant(s)**

RAHMAN ET AL.

**Examiner**

Lawrence Baranyai

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 17 - 30 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 4 - 17 of copending Application No. 09/842,899 (US 2002/0160748). This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsoukas et al. (WO 97/41654) in view of Dennis (WO 99/33293). Regarding claims 1, 4 7 and 17, Tsoukas et al., in the analogous field of communications, discloses a method for service negotiation which includes receiving a request for service negotiation, obtaining, from the storage, the user information associated with service information; obtaining, from storage, accessing a logically linked dynamic storage in accordance with the request; network information associated with user information (p. 2 line 2 – 24); comparing the service information and user information with the associated network information; and providing the requested service based on the comparison (p. 2 line 19 – p. 3 line 25).

Tsoukas et al., teaches receiving the request does not teach the details of service creation. Dennis, in the analogous field of communications, teaches the detailed steps of service creation (p. 7 line 11 – page 19 line 2) for a wireless network (fig. 1 103) with consolidated service control point (fig. 1 109) and database (fig. 1 110).

One skilled in the art of communications would recognize the advantage of creating, receiving and using user information to customize data for a specific user and updating such information. It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Dennis, to include the customer profile features of Dennis to the system of Tsoukas, with the motivation being to arrive at a system that improves service to the user by transmitting information that the user has requested.

3. Regarding claim 2, 5, Tsoukas et al. teaches the step wherein the logically linked dynamic storage is dynamically updated in accordance with the user, service and network information (p. 2 line 2 – p. 3 line 15).

4. Regarding claim 3, 6, 11, 15, Tsoukas et al. teaches the step of providing the requested service is performed by accessing the logically linked dynamic storage without having to access any other portions of the network to minimize signal overloading (p. 2 line 2 – p. 3 line 15).

5. Regarding claims 8, 23, Tsoukas et al. also teaches periodically updating the network and user information (p. 3 line 26 – p. 6 line 7).

6. Regarding claim 9, Tsoukas et al. discloses the limitation wherein the dynamic storing includes storing network information into at least a first database (p. 4 line 6 – line 25 MDC and service processing means).

7. Regarding claim 10, Tsoukas et al. discloses the limitation wherein the dynamic storing includes storing user information into a second database (p. 3 line 30-31, database of customer – defined profiles).

8. Regarding claim 12, Tsoukas et al. and Dennis discloses all the limitations of the claim as noted above for claims 1, 4, 7 and 9.

9. Regarding claim 13, Tsoukas et al. discloses all the limitations of the claim as noted for claim 12.

10. Regarding claim 16, Tsoukas et al. discloses the limitation further comprising the step of periodically updating at least the first database with updated network and user information (p. 4 line 6 - 25).

11. Regarding claims 18, 20, Tsoukas et al. discloses the limitation including a first database having the network information dynamically stored therein (p. 4 line 6 – line 25 MDC and service processing means).

12. Regarding claims 19, 21, Tsoukas et al. discloses the limitation including a second database having the user information dynamically stored therein (p. 3 line 30-31, database of customer – defined profiles).

13. Regarding claim 22, Tsoukas et al. teaches the step wherein the central processing node compares the network information and the user information without having to access any other portions of the wireless network (p. 2 line 2 – p. 3 line 15; MDC and service processing means).

14. Regarding claim 24, Tsoukas et al., in the analogous filed of communications, discloses a system for service negotiation in a wireless network, at least a first database storing network information and user information and a central processing node processing user requests by accessing the first database, comparing the requests with the network information and the user information dynamically stored in the first database, and providing the requested services to the users based upon the comparisons. (p. 3 line 26 – p. 4 line 29).

15. Regarding claim 25, Tsoukas et al. teaches the limitation wherein the first database has the network information and the user information dynamically stored therein, the network information being wireless information (p. 4 line 6 - 25).

16. Regarding claims 14, 26, Tsoukas et al. teaches the further comprising: a second database network information dynamically stored therein; and wherein the central

processing node compares the requests with the network information and the user information stored in the first and second databases. Tsoukas et al. also teaches the limitation of a second database having Web-based network information dynamically stored therein (p. 3 line 26 – p. 6 line 4).

17. Regarding claim 27, Tsoukas et al. teaches the limitation wherein the central processing node accesses the first database without having to access any other portions of the wireless network (p. 2 line 2 – p. 3 line 15).

18. Regarding claim 23 and 28, Tsoukas et al. teaches the limitation wherein the central processing node periodically updates at least the first database with updated network and user information (p. 3 line 26 – p. 6 line 7).

19. Regarding claim 29, Tsoukas et al. teaches the limitation wherein the first database has a plurality of portions being physically distributed throughout the entire wireless network, the distributed portions being connectively linked with the central processing node (p. 5 line 2 - 7).

20. Regarding claim 30, Tsoukas et al. teaches the limitation wherein the central processing node includes the first database (p. 5 line 2 - 7).

#### ***Citation of Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Welling, Jr. et al. (US 6,181,927), Lohtia et al. (US 2003/0211845), Sladek et al. (US 6,622,016), Bouvier et al. (US 6,430,276), Huotari et al. (US 6,044,264) Hoffpauir et al. (US 6,625,274), Jellema et al. (US 6,351,646), Ablay et al. (US

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6,002,941) disclose aspects of service creation and negotiation and database management in a wireless network.

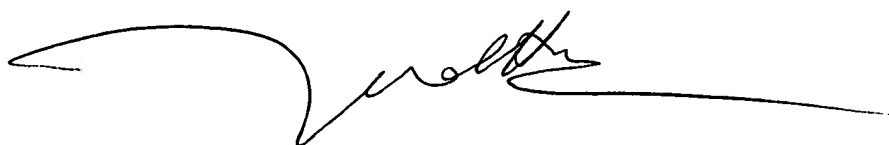
***Examiner Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Baranyai whose telephone number is (703) 305-8707. The examiner can normally be reached on Monday-Thursday: 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

Lb

A handwritten signature in black ink, appearing to read 'Huy D. Vu', with a long horizontal flourish extending to the right.

**HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**